

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CAROL JNO BAPTISTE,

Plaintiff

v.

CAPITAL ONE BANK (USA), N.A.,

Defendant

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CIVIL NO. JKB-11-3535

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MEMORANDUM

Plaintiff Carol Jno Baptiste filed a *pro se* complaint against Capital One Bank (USA) N.A., Sung Bin Yhim, Cameron Flood, Nicole D. Smith, John C. Armstrong, McGuire Woods LLP, and John Doe 1-100, alleging violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (ECF No. 1.) In a timely fashion, Baptiste filed an amended complaint, adding as parties the law firm of Lyons, Doughty & Veldhuis, P.C., as well as David R. Lyons, Stephen P. Doughty, Hillary Veldhuis, Laurie H. Lyons, Michele R. Gagnon, and Nathan D. Willner. (ECF No. 4.) *See* Fed. R. Civ. P. 15(a)(1)(A) (party may amend its pleading once as a matter of course within 21 days after serving it).

Pending before the Court are various motions. Addressed in this memorandum are the motion to dismiss or, in the alternative, motion for summary judgment by Armstrong, McGuire Woods, and Yhim (ECF No. 17); the motion to dismiss or, in the alternative, motion for summary judgment by Capital One, Flood, and Smith (ECF No. 18); the “motion to dismiss/remove party” by Baptiste (ECF No. 23); and the motion for extension of time to file a response to the two dispositive motions (ECF No. 25). Also addressed in this memorandum are

two notices by the filers of the dispositive motions (ECF Nos. 28 & 29) and a filing labeled as an amended complaint (ECF No. 30) and docketed as the second amended complaint.

The Court has construed Baptiste's "motion to dismiss/remove party" and what was docketed as the second amended complaint as a motion for leave to amend the complaint pursuant to Rule 15(a)(2). The parties that Baptiste seeks to dismiss from the lawsuit are the defendants who filed the dispositive motions, namely, McGuire Woods, Armstrong, Yhim, Capital One, Flood, and Smith. These parties have filed notices stating they do not object to their dismissal without prejudice. (ECF Nos. 28 & 29). The other defendants have not opposed Baptiste's motion. Accordingly, the Court will dismiss the original defendants from the case and will permit the second amended complaint to serve its intended function of retaining the second group of defendants as the only defendants.¹ This action moots the two motions to dismiss, or in the alternative, motions for summary judgment. It also moots Baptiste's motion for extension of time to respond to the two dispositive motions. These three motions will be denied as moot. A separate order will follow.

DATED this 18th day of April, 2012.

BY THE COURT:

/s/
James K. Bredar
United States District Judge

¹ Although this filing should only have been accepted by the Clerk's Office as the second amended complaint with leave of court, it would be a pointless exercise to strike it and then to order its refiling. The second amended complaint stands as filed, but its effective filing date will be the date of this memorandum and accompanying order.